

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
FIRST AMENDED CHAPTER 13 PLAN COVER SHEET**

Filing Date: 9/26/2011

Docket #: 11-44029

Debtor: **Kinyanjui, Beatrice W.**

Co - Debtor: **Kinyanjui, Samuel M.**

Address: **126 Norfolk Street  
Worcester, MA 01604  
01604**

Address: **126 Norfolk Street  
Worcester, MA**

Debtor's Counsel: **Robert Osol**  
Address: **Melia & Osol  
16 Harvard St.  
Worcester, MA 01609**  
Telephone #: **508-753-5552**  
Facsimile #: **508-798-4040**  
Email Address: **[rosol@melia-osol.com](mailto:rosol@melia-osol.com)**

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR (S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR (S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL (i) THIRTY (30) DAYS AFTER THE SECTION 341 MEETING TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN OR (ii) THIRTY DAYS AFTER SERVICE OF A MODIFIED PLAN, UNLESS OTHERWISE ORDERED BY THE COURT, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
FIRST AMENDED CHAPTER 13 PLAN**

Docket # **11-44029**

DEBTOR: **Kinyanjui, Beatrice W.** SS # **xxx-xx-1469**  
CODEBTOR: **Kinyanjui, Samuel M.** SS # **xxx-xx-2753**

TERM OF THE PLAN: **36** Months (If the plan is longer than thirty-six (36) months and debtor's plan is governed by 11 U.S.C § 1322 (d)(2), a statement of cause under must be attached hereto.)

PLAN PAYMENT: Debtor(s) to Pay Monthly: **\$395.00**

**I. SECURED CLAIMS:**

A. Claims to be paid through the plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
Digital Federal Credit Union	Mortgage Arrears	\$12,074.53
Digital Federal Credit Union	Automobile Arrears	\$ 0.00
<b>Total of secured claims to be paid through the Plan:</b>		<b>\$12,074.53</b>

B. Claims to be paid directly by debtor to creditors (Not through Plan):

Creditor	Description of Claim	Contractual Payment
Digital Federal Credit Union	Mortgage	\$ 852.09
Digital Federal Credit Union	Automobile	\$ 449.77
<b>Total of secured claims to be paid directly by debtor:</b>		<b>\$1,301.86</b>

C. Modifications of Secured Claims:

Creditor	Description of Claim	Contractual Payment
Chase Home Finance, LLC	2 <sup>nd</sup> Unsecured Mortgage	\$418.00
<b>Total of secured claims to be paid directly by debtor:</b>		<b>SEE ADDENDUM &amp; EXHIBIT</b>

**D. Leases:**

- i. The Debtor (s) intend (s) to reject the residential/personal property lease claims of \_\_\_\_\_; or
- ii. The Debtor (s) intend (s) to assume the residential/personal property lease claims of \_\_\_\_\_.
- iii. The arrears under the lease to be paid under the plan are \_\_\_\_\_.

**II. PRIORITY CLAIMS:**

**Domestic Support Obligations:**

Creditor	Description of Claim	Amount of Claim
<b>Total of priority (domestic support) claims to be paid through the Plan:</b>		<b>0.00</b>

**All Other Priority Creditors:**

Creditor	Description of Claim	Amount of Claim
City of Worcester	Water/Sewer	\$ 98.41
City of Worcester	RE Taxes	\$ 593.42
<b>Total of other priority claims to be paid through the Plan:</b>		<b>\$ 691.83</b>

**Total of Priority Claims to Be Paid Through the Plan:** **\$ 691.83**

**III. ADMINISTRATIVE CLAIMS:**

A. Attorneys Fees (to be paid through the plan): **\$ 0.00**

B. Miscellaneous Fees:

Creditor	Description of Claim	Amount of Claim
<b>Total of other priority claims to be paid through the Plan:</b>		<b>0.00</b>

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

**IV. UNSECURED CLAIMS:**

The general unsecured creditors shall receive a dividend of 0.00 % of their claims.

A. General unsecured claims: **\$18,528.80**

B. Undersecured claims arising after lien avoidance/cram-down:

Creditor	Description of Claim	Amount of Claim
Chase Home Finance, LLC	2 <sup>nd</sup> Unsecured Mortgage	\$40,648.00
<b>Total of unsecured claims arising after lien avoidance/cram-down:</b>		<b>\$40,648.00</b>

**C. Non-Dischargeable Unsecured Claims:**

Creditor	Description of Claim	Amount of Claim
<b>Total of non-dischargeable unsecured claims:</b>		<b>\$0.00</b>

**Total of A + B + C unsecured claims: = **\$ 59,176.80****

**D. Multiply total by percentage:** **\$ 0.00**  
(Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

**D. Separately classified unsecured claims (co-borrower, etc.):**

Creditor	Description of Claim	Amount of Claim
<b>Total of separately classified unsecured claims:</b>		<b>0.00</b>

**Total amount of separately classified claims payable at 0%: \$ 0.00**

**V. OTHER PROVISIONS:**

A. Liquidation of assets to be used to fund plan: **None**

B. Modification of Secured Claims: Set forth details of modifications below or on attached sheets. This information should include name of creditor and detailed explanation of the modification. The total amount of the secured claim that is to be paid through the plan (inclusive of interest) should be set forth in Section I of this Plan.

**SEE ADDENDUM & EXHIBIT**

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C. Assumption/Rejection of Leases:

**NONE**

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C. Miscellaneous Provisions: **SEE ADDENDUM & EXHIBIT**

**C A L C U L A T I O N   O F   P L A N   P A Y M E N T :**

<b>A. Secured Claims (Section I-A Total)</b>	<b>\$ 12,074.53</b>
<b>B. Priority Claims (Section II-A &amp; B Total)</b>	<b>\$ 691.83</b>
<b>C. Administrative claims (Section III-A&amp;B Total)</b>	<b>\$ 0.00</b>
<b>D. Regular unsecured claims (Section IV-D Total)</b>	<b>\$0.00</b>
<b>E. Separately classified unsecured claims (Section IV-E TOTAL)</b>	<b>\$ 0.00</b>
<b>f. Total of a + b + c + d + e above</b>	<b>\$12,766.36</b>

<b>G. Divide (f) by .90 for total including Trustee's fee: Cost of Plan <i>(This represents the total amount to be paid into the Chapter 13 Plan.)</i></b>	<b>\$ 14,184.84</b>
<b>H. Divide (g) Cost of Plan by Term of Plan ÷ 36 Months</b>	<b>\$ 394.02</b>
<b>I. Round up to nearest dollar: Monthly Plan Payment <i>(Enter this amount on page 1)</i></b>	<b>\$ 395.00</b>

Pursuant to 11 U.S.C. §1326(a)(1) unless the Court orders otherwise, debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make pre-confirmation adequate protection payments directly to the secured creditor.

## LIQUIDATION ANALYSIS

### I. Real Estate:

Address	Fair Market Value	Total Amount of Recorded Liens (Schedule D)
126 Norfolk Street, Worcester	\$89,900.00	\$198,775.21

Total Net Equity for Real Property: \$ 0.00  
Less Total Exemptions (Schedule C): \$ 100.00  
Available Chapter 7: \$ 0.00

### II. Automobile (Describe year, make, model):

YR/MAKE/MODEL	VALUE	LIEN	EXEMPTION
2005 Acura MDX	\$ 14,100.00	\$17,011.00	\$ 0.00

Total Net Equity: \$ 0.00  
Less Total Exemptions (Schedule C): \$ 0.00  
Available Chapter 7: \$ 0.00

### III. All other Assets: (All remaining items on schedule B): (Itemize as necessary)

ASSET	VALUE (\$)	EXEMPT (\$)	BALANCE (\$)
CASH ON HAND	0.00	0.00	0.00
DEPOSITS OF MONEY WITH BANKS	1,485.66	1,482.66	0.00
HOUSEHOLD GOODS & FURNISHINGS	3,000.00	3,000.00	0.00
BOOKS, PICTURES, ART & COLLECTIONS	300.00	300.00	0.00
WEARING APPAREL	1,000.00	1,000.00	0.00
FURS & JEWELRY	1,200.00	1,200.00	0.00
INTERESTS IN PENSIONS	0.00	0.00	0.00
INTERESTS IN INSURANCE POLICY	0.00	0.00	0.00
<b>TOTALS</b>	<b>\$6,985.66</b>	<b>\$6,982.66</b>	<b>0.00</b>

Total Net Value: \$ 6,985.66  
Less Exemptions (Schedule C): \$ 6,985.66  
Available Chapter 7: \$ 0.00

**SUMMARY (Total amount available under Chapter 7):**

Net Equity (I and II) Plus Other Assets (III) less all claimed exemptions: \$ 0.00

Additional Comments regarding Liquidation Analysis:

N/A

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Pursuant to the Chapter 13 rules, the debtor or his or her counsel is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

/s/ Robert Osol  
Debtor's Counsel

11/4/2011  
Date

Debtor's Counsel: **Robert Osol**  
Address: **Melia & Osol**  
**16 Harvard St.**  
**Worcester, MA 01609**  
Telephone #: **508-753-5552**  
Facsimile #: **508-798-4040**  
Email Address: **rosol@melia-osol.com**

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE  
AND BELIEF.

/s/ Beatrice W. Kinyanjui  
Debtor

11/4/2011  
Date

/s/ Kinyanjui, Samuel M.  
Debtor

11/4/2011  
Date

### ADDENDUM TO CHAPTER 13 PLAN

1. Digital Federal Credit Union ("DIGITAL") dated 7/13/2007 currently holds the first mortgage from Beatrice W. Kinyanjui and recorded in the Worcester County Registry of Deeds 7/18/2007 at Book 41503 Page 23, encumbering the property known as 126 Norfolk Street, Worcester, Massachusetts (the "Property").
2. DIGITAL amended the promissory note of the first mortgage presently held from Beatrice W. Kinyanjui and Samuel M. Kinyanjui which is not recorded in the Worcester County Registry of Deeds effective 7/1/2009 on the encumbered property.
3. Chase Home Finance, LLC ("CHASE") presently holds the second mortgage from Beatrice W. Kinyanjui to DIGITAL dated 12/19/2005, and recorded in the Worcester County Registry of Deeds at Book 38093, PAGE 103, in the amount of \$41,600.00, encumbering the Property.
4. CHASE subordinated their loan to DIGITAL on 6/29/2007 and recorded in the Worcester County Registry of Deeds on 7/18/2007 at Book 41503 Page 39 on the encumbered property.
5. The mortgage claim of CHASE is WHOLLEY UNSECURED as the value of the property is \$89,900.00, herein as **Exhibit A**. The balance of the first mortgage held by DIGITAL is approximately \$158,127.21. The unsecured claim of CHASE is included in the class of unsecured claims and will be paid the same dividend as the other unsecured claims, a dividend of no more than 0.00%. Upon completion of the plan, and the issuance of a discharge in this case, the mortgage of CHASE, recorded in WORCESTER County Registry of Deeds at Book 38093 Page 103, shall be deemed discharged of record.



Telephone# (508) 792-3900

Fax#: (508) 795-1910

To Whom It May Concern,

September 8, 2011

I completed a Comparative Market Analysis of the property located at 126 Norfolk Street, Worcester, MA 01604-2928. The property is a three bedroom, bath and a half single-family attached home consisting of 1166 square feet of living area as per public records. The homes sits on an extremely small lot.

I searched the Multiple Listing Service database for similar properties and selected three properties similar to the subject property. I conducted a analysis to determine the Fair Market Value of the subject property by comparing like properties and using the Price Per Square Foot method. These two methods determined that the Fair Market Values of your home ranges between \$86,086 and \$93,333. However, in order to calculate the approximate selling price, I am obligated to discuss the current sales market as this dramatically influences the sales price.

As we all know, the economy is suffering a major downturn. The current real estate market is flooded with properties that have been foreclosed or are for sale as a short sale. These properties are priced below the Fair Market Value for a 'quick' sale. However, even these properties are remaining unsold for six months or more. These properties will be your direct competition and will force the sales price of this property down. If you want to maximize your sales price and have the time to let the home remain on the market for six months or more, we could list the home at \$89,900. If your goal is to sell the property quickly, your home should be listed at \$80,000 and we should expect to realize a sales price of under \$75,000. Additional items that negatively impact the home's value is that the driveway is a steep hill on a blind curve and there is no yard to speak of.

I hope this analysis meets your needs. If you have any questions concerning this analysis, please feel free to contact me.

Thank You,

A handwritten signature in black ink that reads "T.J. Brennan".

T. J. Brennan  
Owner/Broker  
Sweeney Real Estate Network LLC  
120 Stafford St, Suite 209  
Worcester, MA 01603  
Cell: (508) 335-9959  
Office: (508) 792-3900 Ext 22

## H3MLS - Assessment and Sales Report

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 Assessment and Sales Report

## Location &amp; Ownership Information

<b>Address:</b>	126 Norfolk St, Worcester, MA 01604-2928		
<b>Map Ref.:</b>	M:19 B:013 L:005-2	<b>Zoning:</b>	RL-7
<b>Owner 1:</b>	Beatrice Tucker		
<b>Owner 2:</b>			

Owner Address: 126 Norfolk St, Worcester, MA 01604-2928

## Property Information

<b>Use:</b>	1-Family Residence	<b>Style:</b>	
<b>Levels:</b>	2	<b>Lot Size:</b>	0.07 Acres (3200 sqft.)
<b>Year Built:</b>	2004	<b>Total Area:</b>	1166 sqft.
<b>Total Rooms:</b>	5	<b>Living Area:</b>	1118 sqft.
<b>Bedrooms:</b>	3	<b>First Floor Area:</b>	0 sqft.
<b>Full Baths:</b>	1	<b>Addl Floor Area:</b>	0 sqft.
<b>Half Baths:</b>	1	<b>Attic Area:</b>	0 sqft.
<b>Roof Type:</b>	Gable	<b>Finished Basement:</b>	0 sqft.
<b>Heat Type:</b>	Forced Hot Water	<b>Basement:</b>	0 sqft.
<b>Fuel Type:</b>		<b>Basement Type:</b>	Full
<b>Exterior:</b>	Aluminum Vinyl	<b>Attached Garage:</b>	0
<b>Foundation:</b>		<b>Other Garage:</b>	0
<b>Air Conditioned:</b>	No	<b>Fireplaces:</b>	0

Condition: Average

## Assessment Information

<b>Last Sale Date:</b>	12/27/2005	<b>Last Sale Price:</b>	\$0
<b>Last Sale Book:</b>	38093	<b>Last Sale Page:</b>	82
<b>Map Ref.:</b>	M:19 B:013 L:005-2	<b>Tax Rate (Res):</b>	15.15
<b>Land Value:</b>	\$43,000	<b>Tax Rate (Comm):</b>	33.28
<b>Building Value:</b>	\$109,300	<b>Tax Rate (Ind):</b>	33.28
<b>Misc Improvements:</b>	\$0	<b>Fiscal Year:</b>	2010
<b>Total Value:</b>	\$152,300	<b>Estimated Tax:</b>	\$2,307.35

## Mortgage History

## Recent Mortgage #1

<b>Buyer Name:</b>	Beatrice Tucker	<b>Lender Name:</b>	Digital Fcu
<b>Mortgage Amount:</b>	\$166,000	<b>Mortgage Date:</b>	7/18/2007
<b>Mortgage Book:</b>	41503	<b>Mortgage Page:</b>	23

## Recent Mortgage #2

<b>Buyer Name:</b>	Beatrice Tucker	<b>Lender Name:</b>	Long Beach Mtg Co
<b>Mortgage Amount:</b>	\$41,600	<b>Mortgage Date:</b>	12/27/2005
<b>Mortgage Book:</b>	38093	<b>Mortgage Page:</b>	103

## Recent Mortgage #3

<b>Buyer Name:</b>	Beatrice Tucker	<b>Lender Name:</b>	Long Beach Mtg Co
<b>Mortgage Amount:</b>	\$164,400	<b>Mortgage Date:</b>	12/27/2005
<b>Mortgage Book:</b>	38093	<b>Mortgage Page:</b>	84

The information in the Public Record is set forth verbatim as received by MLS PIN from third parties, without verification or change.  
 MLS PIN is not responsible for the accuracy or completeness of this information.

Pricing Adjustments per Property  
Prepared for Beatrice Tucker

Comparable No.1



108 Harrington Way  
Single Family - Active  
Worcester, MA 01604  
List Price: \$89,000  
List Date: 3/3/2010  
Days on Market: 554

Comparable No.2



112 Harrington Way  
Single Family - Under Agreement  
Worcester, MA 01604  
List Price: \$117,000  
List Date: 7/15/2011  
Off Market Date: 8/1/2011  
Days on Market: 39

Comparable No.3



22-A Benham St  
Single Family - Sold  
Worcester, MA 01604  
List Price: \$79,900  
Sale Price: \$74,000  
List Date: 1/5/2011  
Off Market Date: 7/3/2011  
Sale Date: 8/26/2011  
Days on Market: 179

**Adjustments**

Item	Description	+(-) \$ Adjustment	Description	+(-) \$ Adjustment	Description	+(-) \$ Adjustment
Net Adjusted (Total)		0		0		0
Adjusted Price		\$89,000		\$117,000		\$74,000

Suggested Sales Price Prepared for Beatrice Tucker		
	Days on Market	Price
No. 1 - 108 Harrington Way, Worcester, MA	554	\$89,000
No. 2 - 112 Harrington Way, Worcester, MA	39	\$117,000
No. 3 - 22-A Benham St, Worcester, MA	179	\$74,000
<b>Indicated Value by Sale Comparison Approach</b>	<b>257.33</b>	<b>\$93,333</b>

**Pricing Analysis - Square Foot Price  
Prepared for Beatrice Tucker**

Number of Properties: 3

Price Range: \$74,000 to \$117,000

Median Price: \$89,000

Median \$ Per Square Foot: \$77

Address	City	Status	Square Feet	\$/SqFt	Price
22-A Benham St	Worcester, MA	SLD	1012	73	\$74,000
108 Harrington Way	Worcester, MA	ACT	1153	77	\$89,000
112 Harrington Way	Worcester, MA	UAG	1125	104	\$117,000

**Pricing Scenarios**

Median price of properties comparable to yours: \$89,000

Predicted Price of your home based on 'cost per square foot': \$ 86,086

Based on your property's square footage of 1118 and the median cost per square foot listed above as \$77 per sqft.